

Message Text

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C O N F I D E N T I A L DAKAR 2183

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SUBJ: HUMAN RIGHTS IN SENEGAL

REF: A. STATE 012320; B. DAKAR 2011; C. STATE 83513

1. FOLLOWING INFO ON HUMAN RIGHTS IN SENEGAL
SUBMITTED IN RESPONSE REF A.

2. CONSTITUTIONAL RIGHTS. SENEGALESE CONSTITUTION
PROVIDES FOR UNIVERSAL SUFFRAGE. IT RECOGNIZES RIGHT
FORM POLITICAL PARTIES. IT BARS RACIAL, ETHNIC, RELIGIOUS
DISCRIMINATION. IT GUARANTEES EACH CITIZEN RIGHT TO
EQUALITY BEFORE LAW, TO PERSONAL LIBERTY UNLESS HE VIOLATES
LAW, TO RIGHT OF TRIAL SHOULD HE BE ACCUSED OF CRIME.
EACH PERSON IS GUARANTEED RIGHT TAKE PART IN GOVT, EXPRESS
AND DIFFUSE HIS OPINIONS, FORM ASSOCIATIONS,
HAVE PRIVATE CORRESPONDENCE AND TRAVEL FREELY THROUGHOUT
SENEGAL. AS FAR AS WE KNOW, PERSONS ARE ALSO FREE TO
LEAVE COUNTRY, BUT THE RIGHT OF EMIGRATION IS NOT ASSURED
BY CONSTITUTION. PERSON'S RESIDENCE MAY NOT BE
SEARCHED WITHOUT JUDICIAL AUTHORITY, ACCORDING TO
CONSTITUTION AND INDEPENDENCE OF JUDICIARY GUARANTEED.
IN PRACTICE CONSTITUTION SEEMS GENERALLY OBSERVED EXCEPT
FOR LIMITATIONS ON RIGHTS OF POLITICAL ASSOCIATION AND
FREEDOM OF SPEECH WHICH ARE DISCUSSED BELOW.

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3. POLITICAL PRISONERS. TO EMBASSY'S KNOWLEDGE THERE HAVE BEEN NO CASES IN SENEGAL IN RECENT YEARS WHERE PEOPLE HAVE BEEN SENT TO JAIL WITHOUT TRIAL. NO HAVE THERE BEEN CASES OF TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT. ONE STUDENT WHO HAD BEEN JAILED IN 1972 FOR INCITING ANTI-GOVT RIOTING, ACCORDING TO GOVT, HANGED HIMSELF IN HIS CELL FOLLOWING YEAR. ALTHOUGH SOME ACCUSED GOVT OF FOUL PLAY, GOVT MAINTAINED HE COMMITTED SUICIDE AND PRESENTED WHITE PAPER IN SUPPORT ITS SIDE OF STORY. WHITE PAPER STRESSED GOVT'S INNOCENCE WITH RESPECT TO FORMER STUDENT'S DEATH AND ITS COMMITMENT TO CIVIL RIGHTS FOR ALL SENEGALESE.

4. AS REPORTED DAKAR 1805 (APR 5, 74), THERE WERE THAT DATE, TO EMBASSY'S KNOWLEDGE, NO PERSONS WHO COULD BE CONSIDERED POLITICAL PRISONERS IN SENEGALESE JAILS. THOSE 17 PRISONERS RELEASED MAR 74, WHO SOMETIMES REFERRED TO AS POLITICAL PRISONERS, WERE ALL CONVICTED OF CRIMES, WHICH ALTHOUGH THEY MAY HAVE BEEN POLITICALLY MOTIVATED, WERE CLEARLY IN CONTRAVENTION OF SENEGALESE LAW AND NORMALLY ACCEPTED STANDARDS OF BEHAVIOR.

5. IN MAR,1975, HOWEVER, 19 PERSONS WERE ARRESTED FOR DISTRIBUTING POLITICAL TRACTS AND ATTEMPTING ILLEGALLY FORM POLITICAL PARTY (DAKAR 2012). WITH REGARD TO TRACTS, ARRESTED SENEGALESE APPARENTLY CONTRAVENED ART 80, SENEGALESE PENAL CODE, WHICH PROVIDES THAT ACTS COMPROMISING PUBLIC SECURITY, OCCASIONING SERIOUS POLITICAL DIFFICULTIES, CASTING DISCREDIT ON POLITICAL INSTITUTIONS ARE PUNISHABLE. ART 225 PROVIDES THAT PUBLICATION AND DIFFUSION OF FALSE REPORTS OR MATERIALS FALSELY ATTRIBUTED TO THIRD PARTIES IS PUNISHABLE, WHEN SUCH PUBLICATION OR DIFFUSION ENTAILS BREAKING LAWS OF CONTRY, THREATENS MORALE OF POPULATION OR CASTS DISCREDIT ON PUBLIC INSTITUTIONS. SOME DEFENDANTS ALSO CHARGED VIOLATING LAW REQUIRING POLITICAL PARTIES BE REGISTERED WITH GOVT. CONVICTION THESE 13 PERSONS POINTS OUT SOME LIMITATIONS FREEDOM OF ASSOCIATION, SPEECH IN SENEGAL. NONETHELESS FREEDOM POLITICAL ASSOCIATION AND SPEECH IS QUITE EXTENSIVE.

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6. POLITICAL ASSOCIATION. A SECOND POLITICAL PARTY EXISTS IN SENEGAL (DAKAR A-6) IN ADDITION TO DOMINANT GOVERNING PARTY, UNION PROGRESSISTE SENEGALAISE (UPS). THIS PARTY, PARTI DEMOCRATIQUE SENEGALAISE (PDS) GIVEN FREEDOM ORGANIZE AND CRITICIZE GOVT. APPARENTLY GOS WILLING TOLERATE OPPOSITION PARTY IF IT WILLING KEEP CRITICISMS WITHIN BOUNDS AND DOES NOT ENGAGE IN CLANDESTINE ACTIVITIES,

GROUND RULES WHICH 13 SENEGALESE RECENTLY CONVICTED FOR POLITICAL ACTIVITIES DID NOT OBSERVE. MOST SENEGALESE DOUBT, HOWEVER, THAT GOVT WOULD PERMIT REAL CHALLENGE ITS AUTHORITY BY PDS OR ANY OTHER POLITICAL PARTY. WITH RESPECT STUDY ASSOCIATIONS AND LABOR UNIONS, GOS ALSO PURSUES POLICY WHICH IS NEITHER REPRESSIVE NOR WHOLLY TOLERANT FREE POLITICAL ACTIVITY. STUDENT ASSOCIATIONS NOT PROHIBITED BY BANNED FROM ORGANIZING ON UNIV. CAMPUS. LABOR UNIONS HAVE BEEN CAJOLED AND PRESSURED INTO SINGLE GOVT-CONTROLLED FEDERATION. HOWEVER, RIGHT TO STRIKE RECOGNIZED AND SUCCESSFUL STRIKES CARRIED OUT EACH YEAR.

7 FREEDOM OF SPEECH. PDS NEWSPAPER OFTEN CRITICAL GOS AND ITS POLICIES, ALTHOUGH IT MAKES NO DIRECT ATTACKS ON PRESIDENT AND KEEPS CRITICISM WITHIN SELF-DEFINED BOUNDS. OTHER MEDIA, EITHER CONTROLLED BY GOS OR WITH LIMITED CIRCULATION, HAVE WIDE LATITUDE REPORT FOREIGN AND DOMESTIC AFFAIRS. FREE SPEECH IS, IN PRACTICE, MOSTLY CIRCUMSCRIBED BY SELF-CENSORSHIP AND SELF-IMPOSED LIMITATIONS.

8. CONCLUSION. CIVIL RIGHTS WRITTEN INTO SENEGAL'S CONSTITUTION ARE RESPECTED. LEVEL OF PRESS CRITICISM AND POLITICAL OPPOSITION ACTIVITY IN SENEGAL MUCH HIGHER, AS FAR AS EMBASSY CAN JUDGE, THAN IN MOST AFRICAN COUNTRIES. WE CONCLUDE THAT SENEGAL, WHICH HAS BEEN INDEPENDENT ONLY 15 YEARS AND WHICH IS BESET BY PROBLEMS ECONOMIC AND SOCIAL DEVELOPMENT, HAS GOOD RECORD IN FIELD OF HUMAN RIGHTS.
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